

IC 14-37-8

Chapter 8. Plugging and Abandonment

IC 14-37-8-1

When plugging and abandonment required; violations

Sec. 1. (a) An owner or operator shall plug and abandon a well that:

- (1) is completed as a nonproductive well;
- (2) ceases to produce oil or natural gas; or
- (3) is no longer operated for the purpose for which the well is permitted;

unless the owner or operator is authorized to delay the plugging and abandonment of the well under section 8 of this chapter.

(b) An owner or operator of a well who:

- (1) ceases to operate the well; and
- (2) knowingly fails to plug and abandon the well in violation of subsection (a);

is subject to the criminal penalty set forth in IC 14-37-13-6. Each day that the well remains not plugged and not abandoned constitutes a separate violation of subsection (a).

As added by P.L.1-1995, SEC.30.

IC 14-37-8-2

Plugging methods

Sec. 2. Plugging methods must be approved by the commission and must permanently confine all oil, natural gas, and water in their original strata. Mud-laden fluid, cement, or mechanical plugs shall be used singly or in combination.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-3

Sealing and capping of wells

Sec. 3. An owner or operator of a well that:

- (1) is required to be plugged under section 1 of this chapter; and
- (2) is not converted under this chapter to another type of well for oil and gas purposes;

shall seal and cap the well at the casinghead until the plugging operations begin.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-4

Notice required before plugging and abandonment

Sec. 4. An owner or operator shall notify an oil and gas inspector at least forty-eight (48) hours before plugging and abandoning a well under this chapter.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-5

Required conditions for plugging well

Sec. 5. (a) An owner or operator may plug a well under this section only if one (1) of the following conditions exists:

- (1) An oil and gas inspector is present.
 - (2) Verbal approval is obtained from the division director to plug the well without the supervision of an oil and gas inspector.
- (b) Approval under subsection (a)(2) may be granted only if the following conditions are met:
- (1) The operator has made a good faith effort to comply with section 4 of this chapter.
 - (2) The plugging method to be used is approved by the commission.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-6

Filing evidence of plugging

Sec. 6. If verbal approval is granted under section 5(a)(2) of this chapter, an owner or operator shall file with the division verifiable evidence, as specified by the division, that plugging was performed in accordance with the approved method.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-7

Redrilling and replugging of hole

Sec. 7. The director of the division of oil and gas may require an owner or operator to redrill and replug a hole if the operator does not comply with section 5 of this chapter.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-8

Delay or deferral of plugging and abandonment of well; temporary abandonment of well

Sec. 8. (a) An owner or operator may delay the plugging and abandoning of a well that has been drilled, completed, and cased for production if the owner or operator satisfies the requirements for:

- (1) deferring abandonment of the well under subsection (b); or
- (2) temporarily abandoning the well under subsection (c).

(b) An owner or operator of a well may defer abandoning the well for not more than one (1) year, or any lesser period prescribed by the division, if the well conforms to the requirements of this article and rules adopted under this article. To defer abandoning a well under this subsection, the owner or operator of the well must notify the department in writing that the owner or operator intends to defer abandonment of the well. The notice must be given to the department not more than sixty (60) days after the later of the following:

- (1) The date of the completion and casing of the well.
- (2) The date on which the operation of the well is terminated.

(c) An owner or operator of a well may temporarily abandon the well if the well conforms to the requirements of this article and rules adopted under this article. To temporarily abandon a well under this subsection, the owner or operator must file with the division, on a form prescribed by the division, an application for temporary abandonment. The application must be filed not more than sixty (60) days after any of the following:

- (1) The date on which the drilling of the well is completed.
- (2) The date on which the operation of the well is terminated.
- (3) The expiration of the period during which the owner or operator defers abandoning the well under subsection (b).

As added by P.L.1-1995, SEC.30.

IC 14-37-8-9

Notice to inspector of removal of well casing or plugging and abandoning well

Sec. 9. An owner or operator may not:

- (1) remove any casing from a well; or
- (2) plug and abandon a well;

unless the owner or operator gives at least forty-eight (48) hours notice to an oil and gas inspector.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-10

Hearing on oil or gas well leaks

Sec. 10. Any person may request a hearing before the commission under IC 4-21.5 to consider whether a well for oil and gas purposes is:

- (1) leaking or may leak a deleterious substance into an aquifer containing fresh water or onto the surface of the land; or
- (2) allowing oil or gas from the well to escape into the atmosphere.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-11

Notice of proceedings to persons responsible for plugging and abandoning wells

Sec. 11. Each person who is responsible for plugging and abandoning a well shall be notified of a proceeding under section 10 of this chapter.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-12

Orders to remedy conditions causing environmental harm

Sec. 12. The commission may order any responsible person to:

- (1) plug and abandon;
- (2) replug; or
- (3) repair;

a well to remedy a condition found to cause environmental harm or waste.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-13

Authorization for department or person to enter land to perform remedial action

Sec. 13. (a) If after thirty (30) days from the service of an order under section 12 of this chapter the well has not been properly:

- (1) plugged and abandoned;

- (2) replugged; or
- (3) repaired;

the commission may authorize the department or another person to enter upon the land where the well is located and to remedy the condition.

(b) A person who acts in accordance with an authorization under this section is not liable for damages resulting from operations reasonably necessary or proper to plug, abandon, replug, or repair the well, except for damages to growing crops and improvements.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-14

Limited liability of person plugging, abandoning, replugging, or repairing well under commission authorization

Sec. 14. (a) A person who plugs, abandons, replugs, or repairs a well under an order or authorization entered under this chapter:

- (1) does not assume responsibility for future remedial action on the well; and
- (2) is not liable for conditions subsequently arising with respect to the well.

(b) A person who remedies or attempts to remedy a condition under this chapter does not by that action admit liability for:

- (1) the condition; or
- (2) damages resulting from the condition.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-15

Expenses of remedial action

Sec. 15. A person:

- (1) who has no obligation to plug, abandon, replug, or repair a well; but
- (2) who does so under section 12, 13, 14, or 16 of this chapter;

may recover in a civil action against any responsible person the reasonable expenses of the remedial action or may apply to the oil and gas environmental fund under IC 14-37-10 to recover the reasonable expenses of the remedial action.

As added by P.L.1-1995, SEC.30. Amended by P.L.236-2001, SEC.2.

IC 14-37-8-16

Temporary action prior to remedial action

Sec. 16. The director may enter an order under IC 4-21.5-4 to provide temporary action to prevent or minimize injury that may occur before remedial action is performed under section 12 or 13 of this chapter if the director determines that substantial injury would otherwise result.

As added by P.L.1-1995, SEC.30.

IC 14-37-8-17

Plugging and abandoning hole drilled during geophysical survey

Sec. 17. An operator who drills a hole while conducting a

geophysical survey shall plug and abandon the hole under rules of the commission.

As added by P.L.1-1995, SEC.30.